

Oral Deposition of Courtney Douglass

Page 1

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

-- --

ELISA BROOKS-CUNNINGHAM &	:	CIVIL ACTION NO.
COURTNEY DOUGLASS, on	:	2:12-ev-1524-JHS
behalf of themselves and	:	
all others similarly	:	
situated,	:	
Plaintiffs	:	
	:	
vs.	:	
	:	
ER SOLUTIONS, INC.,	:	
Defendant	:	

-- --

Oral deposition of COURTNEY DOUGLASS,

taken pursuant to notice, in the Law Offices of FLITTER

LORENZ, P.C., 450 North Narberth Avenue, Narberth,

Pennsylvania, on Friday, September 14, 2012, commencing at or

about 2:00 p.m., before Patricia A. Lipski, RPR, CCR, Notary

Public.

-- --

Liberty Litigation Support
Phone: 713-581-8227 Fax: 713-533-8997

Oral Deposition of Courtney Douglass

Page 2

1 APPEARANCES:

2 FLITTER LORENZ, P.C.
3 BY: CARY L. FLITTER, ESQUIRE
4 450 North Narberth Avenue
5 Narberth, Pennsylvania 19072
6 (610) 822-0789
7 Counsel for Plaintiffs

8 BUSH & RAMIERZ, L.L.C.
9 BY: ED WALTON, ESQUIRE
10 5615 Kirby Drive
11 Suite 900
12 Houston, Texas 77005
13 (713) 626-1555
14 Counsel for Defendant
15
16
17
18
19
20
21
22
23
24
25

Liberty Litigation Support
Phone: 713-581-8227 Fax: 713-533-8997

Oral Deposition of Courtney Douglass

Page 3

I N D E X

WITNESS	PAGE
COURTNEY DOUGLASS	
By Mr. Walton	5

E X H I B I T S

NO.		PAGE
Exhibit-8	5/16/2011 ER Solutions Letter	***

Liberty Litigation Support

Phone: 713-581-8227 Fax: 713-533-8997

Oral Deposition of Courtney Douglass

Page 9

1 A. I have.

2 Q. Did you scan it when you got it?

3 A. No.

4 Q. At some point in time did you give Exhibit-8 to
5 your attorney?

6 A. Yes.

7 Q. Did you scan Exhibit-8 before you gave it to your
8 attorney?

9 A. No.

10 Q. So you had no idea what the little QR code
11 revealed before you gave that letter to your
12 attorney?

13 A. That's correct.

14 Q. What was the purpose of giving Exhibit-8 to your
15 attorney?

16 A. Because I had came here for another matter, and
17 saw on his website where I found him at, Mr.
18 Flitter, that he handled also collection, debt, so I
19 brought along a few letters that I had.

20 Q. What else was Mr. Flitter representing you on?

21 A. It was an Apex account.

22 Q. That's another debt collector?

23 A. Yes.

24 Q. And you said you brought Exhibit-8 along with some
25 other letters?

Oral Deposition of Courtney Douglass

Page 11

1 talking about?

2 A. Correct.

3 Q. Now, Exhibit-7 is a document that your attorney
4 produced to me.

5 A. Okay.

6 Q. Have you ever seen Exhibit-7 before?

7 A. Yes.

8 Q. Did you create Exhibit-7?

9 A. No.

10 Q. Do you know who did?

11 A. No. I mean maybe Mr. Flitter or somebody in his
12 office. I don't know.

13 Q. Is it your position that the information on
14 Exhibit-7 reveals the identity of the debt
15 collector?

16 A. Yes.

17 Q. Where does it identify the debt collector?

18 A. It has right here my name, the account
19 information, my address, zip code, and then the
20 amount of debt is there as well.

21 Q. Where does it identify a debt collector?

22 A. You mean your --

23 Q. Any debt collector?

24 A. Well, no, I'm not -- I don't see a debt collector.
25 I just see my information there.

Oral Deposition of Courtney Douglass

Page 12

1 Q. So you're not claiming that Exhibit-7 reveals the
2 identity of a debt collector?

3 A. Can you say that a little bit differently? Say
4 that again.

5 Q. Are you claiming that the information on Exhibit-7
6 reveals the identity of a debt collector?

7 A. The debt collector being myself or the debt
8 collector being ERS Solutions?

9 Q. Somebody who collects debts.

10 A. Okay. No, I don't see any information on here
11 about the debt collector.

12 Q. Do you claim that the QR code when you read it
13 reveals an account number?

14 A. I do.

15 Q. Where is the account number in Exhibit-7?

16 A. The account number is right here in the middle.

17 Q. Would you read that for me?

18 A. Sure. The account number?

19 Q. Just the account number, yes, ma'am.

20 A. 76305459.

21 Q. How do you know that's an account number?

22 A. Because it matches the numbers on the letter.

23 Q. And you would have to open the envelope and read
24 the letter to know that, wouldn't you?

25 A. Yes, I would -- yes, or -- and you can see it also

Liberty Litigation Support
Phone: 713-581-8227 Fax: 713-533-8997

Oral Deposition of Courtney Douglass

Page 13

1 right here, above the address.

2 Q. And that account number is not your account number
3 that you had with T-Mobile, is it?

4 A. I don't know. I don't know if it is or not.

5 Q. Well, look at Exhibit-8, if you would. You see
6 right here it identifies -- it gives two account
7 numbers, does it not?

8 A. That's correct.

9 Q. And one is the ERS account number?

10 A. That is correct.

11 Q. And the other one says --

12 A. Client account number.

13 Q. You didn't recognize that number, 76305459 as an
14 account number until you opened the letter; is that
15 right?

16 A. Correct.

17 Q. And there's no reason anybody else would know what
18 that number is?

19 A. I can't answer what anybody else, if they would
20 know what that number is.

21 Q. Well, if you saw someone else's account number, it
22 wouldn't mean anything to you, would it?

23 A. Maybe not to me, but somebody else it might mean
24 something to.

25 Q. What would it mean?

Oral Deposition of Courtney Douglass

Page 17

1 Q. What law do you believe it violates?

2 MR. FLITTER: Objection. I think it calls
3 for a legal conclusion. You can answer over
4 the objection, if you're able to.

5 THE WITNESS: I don't know what the law
6 is -- what law it's under.

7 BY MR. WALTON:

8 Q. Do you claim that the QR code reveals an account
9 balance?

10 A. I do think so, yes.

11 Q. And what account balance does it reveal?

12 A. 802.04.

13 MR. FLITTER: You're very soft spoken.
14 Just keep your voice up, please.

15 THE WITNESS: 802.04.

16 BY MR. WALTON:

17 Q. That number isn't actually 802.04?

18 A. Yes, it is. 802.04.

19 Q. Isn't it 241,802.04?

20 A. That's what it says, but that's the balance amount
21 because it matches the same thing that's on the
22 letter.

23 Q. But you wouldn't know that until you opened the
24 envelope, would you?

25 A. I guess. I guess. I don't know. I guess. I

Oral Deposition of Courtney Douglass

Page 18

1 wouldn't know that, but you never know what somebody
2 else might know.

3 Q. Did you know how much T-Mobile claimed you owed
4 them before you opened the letter?

5 A. No.

6 Q. So even if you had read the QR code before you
7 opened the letter, you wouldn't have known that was
8 the account balance, would you?

9 A. I don't believe I would have known that.

10 Q. If someone else were to look at that, they could
11 read that as \$241,802.04, couldn't they?

12 MR. FLITTER: Objection. You can answer
13 over the objection.

14 THE WITNESS: I don't know what somebody
15 would recognize that as.

16 BY MR. WALTON:

17 Q. Isn't that what that number is 241,802?

18 A. Yes, but I don't know if somebody would recognize
19 it as that number though.

20 Q. But you recognize it as that number?

21 A. Yes.

22 Q. Now, you allege in your Complaint that my client
23 used unfair and unconscionable collection practices.
24 I just want to make sure, the only thing your
25 lawsuit is about is the use of the QR code?

Liberty Litigation Support
Phone: 713-581-8227 Fax: 713-533-8997

Oral Deposition of Courtney Douglass

Page 19

1 A. That's correct.

2 Q. And so the only thing you're claiming that my
3 client did that's unfair or unconscionable is using
4 the QR code?

5 A. That is correct.

6 Q. I assume you received Exhibit-8 at your house?

7 A. Correct.

8 Q. Did you get it out of the mailbox or did somebody
9 else?

10 A. I don't remember.

11 Q. Did anybody say anything to you about the letter?

12 A. No.

13 Q. Is it fair to say you weren't concerned about the
14 QR code until after you had given Exhibit-8 to your
15 attorney?

16 A. That would be fair.

17 Q. Did you even know what a QR code was?

18 A. Yes.

19 Q. How did you know that?

20 A. Because they have them everywhere. They're all
21 over the place, magazines signs. They're
22 everywhere.

23 Q. Did you know that you could read that?

24 A. Yes, well, a lot -- yes.

25 Q. But you didn't read it before you gave Exhibit-8

Liberty Litigation Support
Phone: 713-581-8227 Fax: 713-533-8997

Oral Deposition of Courtney Douglass

Page 23

1 on anybody's letter?

2 A. No.

3 Q. The letter, Exhibit-8, is from ER Solutions,
4 Incorporated.

5 A. Okay.

6 Q. Is there anything about that name that tells you
7 they're in the business of debt collection?

8 A. Well, only because I've heard of them in the past
9 I would know, but I don't -- that's just because
10 I've heard of them in the past that they're a
11 collector.

12 Q. How did you hear of them?

13 A. A previous collection letter.

14 Q. So you had heard of them, but there's nothing in
15 their name that tells you they're a debt collector,
16 is there?

17 A. No.

18 Q. Do you claim to have been embarrassed by the QR
19 code on your letter?

20 A. No.

21 Q. You claim that the QR code reveals a debt?

22 A. Yes.

23 Q. And you claim that it reveals an account balance
24 of what?

25 A. 802.04.

Liberty Litigation Support
Phone: 713-581-8227 Fax: 713-533-8997

Oral Deposition of Courtney Douglass

Page 24

1 Q. Is there anything about the information revealed
2 when you read that QR code that indicates the debt
3 is past due or delinquent?

4 A. No, I don't think.

5 Q. Do you claim that you've been injured or harmed by
6 anything my client did or didn't do?

7 A. Not injured, as in quote, fall or a slip, but I do
8 claim that, you know, they have put personal
9 information out there and they have put me in harm's
10 way.

11 Q. But have you been harmed?

12 A. Yes.

13 Q. Tell me how you've been harmed?

14 A. Because they put out my personal information. I
15 have yet to know if it's been used. I don't know if
16 it's been used yet.

17 Q. To your knowledge have you been harmed?

18 A. Not to my knowledge.

19 Q. You haven't spent any money or had to spend any
20 money because of that QR code, have you?

21 A. No.

22 Q. What about the information that's revealed by
23 scanning the QR code would harm you?

24 MR. FLITTER: Would you mind saying that
25 again, or I'll ask her to read it back.

Oral Deposition of Courtney Douglass

Page 25

1 BY MR. WALTON:

2 Q. I'll ask it again if you want me to.

3 What about the information that's revealed in the QR
4 code would do you arm?

5 A. Well, having the account information, which I
6 said, and also, you know, just having -- being able
7 to just scan it and be able to get the account
8 information off there, and that is a debt, but just
9 being able to get that information, you should not
10 be able to do it, just the bottom line.

11 Q. How are you harmed by it?

12 A. I don't know.

13 Q. How could you be harmed by it?

14 A. Easily. People can steal people's identities all
15 the time.

16 Q. What in the information on Exhibit-7 would enable
17 anyone to steal your identity?

18 A. They can use any of those numbers, the account
19 number, my name, the debt amount, any of that.

20 Q. How could they use the account number to steal
21 your identity?

22 A. Well, maybe they could get the account information
23 and call up these people, ERS Solutions, act like
24 me, get information. I don't know how people steal
25 people's identities.

Oral Deposition of Courtney Douglass

Page 26

1 I don't know. I don't want to assume. I don't
2 know.

3 Q. So you can't tell me as we sit here today --

4 A. I'm not -- I'm sorry. I apologize.

5 MR. FLITTER: You want to finish?

6 MR. WALTON: It's different.

7 BY MR. WALTON:

8 Q. As you sit here today you don't know any way that
9 anyone could take the account number on Exhibit-7
10 and steal your identity, do you?

11 A. Because I'm not an identity theft person, I don't
12 know. That doesn't mean somebody else doesn't know,
13 sir.

14 Q. Have you ever heard of anyone whose identify was
15 stolen when the thief had nothing other than an
16 account number to go by?

17 A. No, I've never heard anybody.

18 Q. Is there any other information on Exhibit-7 that
19 you believe could be used to harm you?

20 A. Other than the account number and the debt amount,
21 no. No.

22 Q. And even if someone knew that numbers referred to
23 an account balance, how would they use an account
24 balance to do you harm?

25 A. I don't know, sir, what people would do with

Oral Deposition of Courtney Douglass

Page 27

1 people's personal information. I don't know. I
2 just know it's put out there for them to use.
3 I don't know what they do when they get it. I know
4 it's put out there.

5 Q. Have you ever known of anyone who claimed to have
6 been harmed because someone else knew an account
7 balance without any other information?

8 A. No.

9 Q. Is there any other way you claim to have been
10 harmed by anything my client did or did not do?

11 A. Other than put my personal information out there,
12 no.

13 Q. You can't tell me a specific type of harm that
14 that has caused you, can you?

15 A. No.

16 Q. But you claim that some people could have been
17 harmed by it?

18 A. Yes.

19 Q. And if someone was harmed by that, do you think
20 they should be able to recover money for that?

21 MR. FLITTER: Objection. Speculative.
22 Foundation. You can answer, if you're able,
23 over the objection.

24 THE WITNESS: Can you say your question
25 again, sir?

Liberty Litigation Support
Phone: 713-581-8227 Fax: 713-533-8997

Oral Deposition of Courtney Douglass

Page 44

1 Q. Would it surprise you to know that's not account
2 information?

3 A. No, nothing surprises me.

4 Q. But there was nothing in the QR code that shows it
5 referred to a delinquent debt, is there?

6 A. You mean like wording wise?

7 Q. Any wise, you claim that the information revealed
8 by the QR code indicates a debt?

9 A. And it does.

10 Q. Does it indicate that it's a delinquent debt?

11 A. No, it just indicates a debt.

12 Q. Have you ever met Miss Brooks?

13 A. No.

14 MR. WALTON: Believe it or not, Cary, I
15 think that's all I've got.

16 MR. FLITTER: No questions. Thank you
17 very much.

18 — — —

19 (Deposition concluded at 3:15 p.m.)

20 — — —

21

22

23

24

25